

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1689 - SB 1736

March 5, 2020

SUMMARY OF BILL: Requires each public school that serves any combination of grades five through twelve and that provides interscholastic sports or athletic events for the school's students, to require each student to verify that the student is of the respective sex before the student may participate in the interscholastic sport or athletic event. Authorizes a student to verify the student's sex by providing the school with a birth certificate or the results of a DNA test. Prohibits a school from accepting a birth certificate that has been revised, altered, or amended with respect to the student's sex or that does not designate the student as male or female. Prohibits a school from allowing a student to participate in a single-sex interscholastic sport or athletic event if a student fails to verify the student's sex or if the public school determines that the student is not of the respective sex.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – A violation or failure to comply with federal regulations may jeopardize recurring federal funding for education.

Assumptions:

- The proposed legislation prohibits a student from participating in a single-sex interscholastic sport or athletic event provided by the student's public school unless the student verifies with the public school that the student is of the respective sex.
- Title IX of the Education Amendments of 1972 prohibits a person, on the basis of sex, from being excluded from participation in, to be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.
- Requiring athletes to participate with and compete against other athletes based on the biological sex may exclude certain genders from participation in specific sports.
- Further, based on information from DOE, prohibiting students who do not have a birth certificate from participating in athletics may be violation of federal law.
- To the extent that proposed legislation results in a violation of federal rules related to Title IX, statewide federal funds may be jeopardized; however, because the extent or timing, or potential occurrence of any violation is unknown, a precise impact to state and local government cannot be reasonably determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first name "Krista" and last name "Carsner" being more prominent than the middle name "Lee".

Krista Lee Carsner, Executive Director

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